

REMARKS

Applicant believes that the amendments to the claims as well as the comments that follow will convince the Examiner that the rejections provided in the September 7, 2011 Office Action have been overcome and should be withdrawn. Applicant has amended claims 1 and 12 and added new claims 25 and 26. Applicant submits that the changes and new claims are supported by the specification. No new matter has been added.

I. THE EXAMINER'S REJECTIONS

The Examiner rejected claims 1-5, 7-10, 12-16 and 18-21 under 35 U.S.C. § 103(a) as being unpatentable over Bushold, et al., U.S. Pat. Pub. No. 2004/0230481 (hereinafter “Bushold”) in view of Block, et al., U.S. Pat. Pub. No. 2003/0055689 (hereinafter “Block”). The Examiner states:

As per claim 1, Bushold teaches a method comprising the steps of: interacting with a user via an automated system (¶ 0024); authenticating said user utilizing one or more forms of identification data provided by said user to said automated system (¶¶ 0024, 32); querying an awards database to determine whether an awards account is associated with said user (¶¶ 0024-25, 32); acquiring itinerary data from said user (¶ 0036); querying an itinerary database with said itinerary data and receiving a plurality of itineraries (¶ 0036); providing to said user said plurality of itineraries (¶ 0036); receiving from said user a selection of an initial itinerary from said plurality of itineraries (¶ 0036); querying said awards database and determining if said user's awards account contains sufficient awards for said initial itinerary (¶¶ 0029, 37); providing to said user an alternative itinerary for which said user's account contains sufficient awards (¶¶ 0036-37; Figs. 4-5); receiving from said user a selection of said alternative itinerary (¶¶ 0036-37; Figs. 4-5); and ticketing or holding said alternative itinerary (¶ 0036).

Bushold does not teach that the system used to interact with a user is an automated interactive voice response system; which is taught by Block (¶ 0010). Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element

or function but in the very combination itself—that is, in the substitution of the automated interactive voice response system in Block for the automated systems used to interface with the user taught by Bushold. The systems share similar purposes and functions, and are both disclosed as processing the same types of user account and travel-related data. It would have been *prima facie* obvious to one having ordinary skill in the art at the time of invention to incorporate an automated interactive voice response system because it is merely the simple substitution of one known element for another that could be implemented through routine engineering producing predictable results.

(Office Action dated September 7, 2011, pp. 3-4). The Examiner rejected claims 2-5 and 7-10 as being unpatentable over Bushold and Block. (Office Action dated September 7, 2011, pp. 4-5).

Rejecting claim 12 in view of Bushold and Block, the Examiner stated:

As per claim 12, Bushold teaches a method comprising the steps of: interacting with a user via an automated system (¶ 0024); authenticating said user utilizing one or more forms of identification data provided by said user to said automated system (¶¶ 0024, 32); utilizing said identification data to access an awards account (¶¶ 0024, 32); querying an awards database to determine whether an awards account is associated with said user (¶¶ 0024-25, 32); acquiring itinerary data from said user (¶ 0036); querying an itinerary database with said itinerary data (¶ 0036); providing to said user one or more itineraries (¶ 0036); prompting said user to select an initial itinerary from said plurality of itineraries (¶ 0036); querying an awards database to determine if said user's awards account contains sufficient awards for said itinerary (¶ 0029, 37); providing to said user an alternative itinerary for which said user's account contains sufficient awards (¶¶ 0036-37; Figs. 4-5); receiving from said user a selection of said alternative itinerary (¶¶ 0036-37; Figs. 4-5); prompting said user to ticket or hold said selected itinerary (¶¶ 0026, 37); ticketing or holding said itinerary (¶ 0036).

Bushold does not teach prompting said user to enter baggage data; acquiring baggage data from said user; and querying a baggage database with said baggage data for information in said baggage database; which are taught by Block. (¶¶ 0289-92). It would have been *prima facie* obvious to one of ordinary skill in the art at the time of invention to incorporate this feature because it is merely a combination of old elements in the art of travel services. In the combination, no element would serve a purpose other than it already did independently, and one skilled in the art would have recognized that the combination could have been implemented

through routine engineering producing predictable results. Bushold also does not teach that the system used to interact with a user is an automated interactive voice response system; which is taught by Block (¶ 0010). Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is, in the substitution of the automated interactive voice response system in Block for the automated systems used to interface with the user taught by Bushold. The systems share similar purposes and functions, and are both disclosed as processing the same types of user account and travel-related data. It would have been *prima facie* obvious to one having ordinary skill in the art at the time of invention to incorporate an automated interactive voice response system because it is merely the simple substitution of one known element for another that could be implemented through routine engineering producing predictable results.

(Office Action dated September 7, 2011, pp. 5-6).

The Examiner rejected claims 13-16 and 18-21 as being unpatentable over Bushold and Block as applied against claims 2-5 and 7-10. (Office Action dated September 7, 2011, p. 7).

The Examiner also rejected claims 6 and 17 as being unpatentable over Bushold in view of Block and further in view of Trader, et al., U.S. Patent No. 5,854,837 (hereinafter “Trader”). (Office Action dated September 7, 2011, p. 7). Finally, the Examiner rejected claims 11 and 22 as being unpatentable over Bushold in view of Block and further in view of Lambert, et al., U.S. Pat. No. 6,282,649 (hereinafter “Lambert”). (Office Action dated September 7, 2011, p. 7).

II. THE EXAMINER'S REJECTIONS SHOULD BE WITHDRAWN

The Examiner rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over Bushold in view of Block. Applicant respectfully disagrees and submits that the cited references do not teach or suggest all of the claim elements of the present invention. Specifically, Applicant submits that the Bushold and Block references, individually or in combination, fail to disclose or suggest all of the limitations of claim 1 as amended.

Applicant's invention, as disclosed in the specification of the present invention, is a novel system and method that allows a user to access an awards account, provide itinerary data, receive a plurality of itineraries, select an itinerary and book the itinerary using an awards account and/or payment. The invention further allows a user to provide baggage data, to query a database for stored baggage information and receive baggage information from the system. These limitations are not taught anywhere in Bushold and Block.

Block and Bushold Do Not Disclose All Limitations of the Claimed Invention

Bushold describes a system that allows a participant to use awards points to make a purchase from a vendor system that accepts currency. (Bushold, Abstract). Bushold requires an application programming interface (API) to interface with the vendor's system, and a graphical user interface (GUI) to interact with the participant. (Bushold, ¶ 0005). The entire Bushold system is based on the use of a GUI by a user and the establishment of an API connection in an online environment through the Internet. Participants connect to the GUI via the Internet (Bushold ¶ 0024), and the API interfaces directly with the airline reservation system (Bushold ¶ 0025). Bushold does not teach or

contemplate any other means of interfacing with customers or accessing an airline reservation systems.

Because the airline system does not accept the participant's awards points from the Bushold system, the Bushold system uses a "program account such as a cash account or a shadow credit card." (Bushold, ¶ 0025). To complete the transaction, the API purchases the airline ticket from the airline system using the shadow credit card. (Bushold, ¶ 0026). Once the purchase is complete, the Bushold loyalty program deducts the appropriate number of rewards points from the participant's account. (Bushold, ¶ 0026). Thus, the Bushold system is completely independent of the airline's systems, but requires the airline to have its own system.

Applicant agrees with the Examiner that Bushold does not teach prompting a user to enter baggage data, acquiring baggage data from the user and querying a baggage database with the baggage data. (Office Action of September 7, 2011, p. 6). Applicant respectfully suggests that Block also fails to teach these limitations. The only discussion of baggage in Block concerns the use by airport security and airline personnel to track a user's baggage data, and not the other way around. (Block ¶¶ 0289-91). Specifically, as bags are accepted from travelers at the airport, the bags are ticketed and scanned into the Block system. (Block, ¶ 0289). The scanned information is used to prepare an e-manifest, which contains a complete record of passenger information and passenger documents for use by officials. (Block ¶ 0290). This information includes "digital photos of the visual contents of each bag and digital photo[s] of passengers." (Block ¶ 0290).

Block does not disclose at least the limitation of claim 1 which requires providing information from the baggage database to the user. For security reasons, the e-manifest of the Block system is not disclosed to passengers. It would undermine the security purposes to provide a complete record of passengers and passenger documents to members of the public.

Block fails to teach or suggest an IVR system that provides baggage data, as required by amended claim 1. Block discloses a system that scans a member's checked baggage and creates an electronic manifest, which is used by officials to obtain a complete record of passengers and passenger documents. (¶ 0289-90). However, Block does not teach or suggest providing the baggage information to an IVR system or any other system that interacts with customers. The only reference by Block to an IVR system is directed to reservations only. (Block ¶ 0010). Any information regarding baggage data is handled completely separately from a customer-accessible system and is not made available to customers at all. Therefore, Block does not teach or suggest any means of providing baggage information through an IVR system to customers, as required by amended claim 1.

The Combination of Block and Bushold Does Not Render
Applicant's Invention Obvious

Bushold discloses the use of an API and GUI in an online system. Bushold does not teach or provide any way to implement the functionality of an API or GUI in an interactive voice response (“IVR”) telephone system. Block merely states “[t]he system allows the member to use interactive voice response (IVR) systems to call in and book a reservation by voice or keypad.” (Block ¶ 0010). Bushold requires an API connection with an airline system, but neither reference discloses how to implement the API or GUI

of Bushold with an IVR system. Thus, one of skill in the art would not consider the Bushold and Block references to teach or suggest the claimed system.

Combining the Block and Bushold systems would not produce the reservations and baggage system claimed in the present application. Combining the reservation features of Block and Bushold could produce an *online* reservations system that permits reservations via an IVR system and tracks checked baggage to supplement an e-manifest prepared for official use. One of ordinary skill in the art faced with the Block and Bushold references would never produce an interactive telephone system that enables callers to retrieve information about their bags.

Applicant submits that the Bushold and Block references, individually or in combination, fail to disclose or suggest all of the limitations of amended claims 1, and for the same reasons, amended claim 12. The Examiner is respectfully requested to withdraw the 35 U.S.C. §103(a) rejection of independent claims 1 and 12.

As claims 2-11 and 13-22 depend either directly or indirectly from independent claims 1 and 12, respectively, they contain all of the elements and limitations of the claim from which they depend. Claims 2-11 and 13-22 are therefore patentable over Bushold and Block for at least the same reasons as independent claims 1 and 12. Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. §103(a) rejection of claims 2-11 and 13-22.

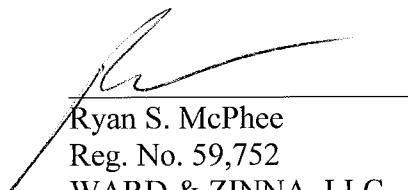
III. CONCLUSION

Applicant submits that the specification, drawings, and all pending claims represent a patentable contribution to the art and are in condition for allowance. No new matter has been added. Early and favorable action is accordingly solicited.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

Respectfully submitted,

Date: February 7, 2012



Ryan S. McPhee
Reg. No. 59,752
WARD & ZINNA, LLC
380 Madison Avenue
New York, New York 10017
(212) 697-6262